

or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.”

Levine, et al. does not mention at all “mortgage application” or “mortgage loan application.” Their concern is with the exchange of mortgages rather than granting of mortgages.

Atkins on the other hand does deal with the mortgage loan application process but only a specialized type of mortgage called a HOPE (Home Owner’s Preferred Equity) mortgage, which is unlike conventional mortgages (Col. 2, lines 18+) and only tangentially with respect to the invention, which is a “a method and apparatus for effecting an improved personal financial management program incorporating means of implementing, coordinating, supervising, analyzing and reporting upon investments in an array of assets and credit facilities. Through a mathematical programming function the client specifies his financial objectives, a forecast of economic and financial variables, risk preference and the budgetary constraints to which he is subject.” (Col. 1, lines 66+).

Note that the HOPE mortgage involves more considerations than conventional mortgages (Col. 2, lines 51+). The discussion of the mortgage application process in Atkins is from the borrower’s standpoint and not that of the mortgage broker or correspondent; it is for background purposes only and does not describe how the process is handled by the broker and correspondent

(Col. 11, lines 31+). In short, Atkins really has nothing to do with the processing of the application; Applicant's invention has everything to do with it.

Accordingly, Applicant's independent claims, which include limitations directed to mortgage loan applications are not anticipated by Atkins or Levine, et al., and, moreover, are not obvious in view of them.

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Respectfully submitted,



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